

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

HI JI,
LI MINJUN,
TU LAN,
ZHU FENG,
also known as "Johnny Zhu,"
KUANG ZEBIN,
also known as "Vincent Kuang,"
MICHAEL MCMAHON,
ZHAI YONGQIANG,
ZHENG CONGYING and
ZHU YONG,
also known as "Jason Zhu,

Defendants.

Case No. 1:21-cr-00265 (PKC) (S-1)

Filed Electronically

**CERTIFICATION OF DEFENDANT
MICHAEL MCMAHON**

I, **MICHAEL McMAHON**, being of full age, do hereby certify under penalty of perjury that the following facts are true:

1. I have been a Private Investigator licensed in the states of New York and New Jersey. I have worked in that capacity since August 5, 2005, after my retirement from the New York City Police Department (NYPD) in 2003. As a private investigator, I conducted surveillance, performed searches through various databases to obtain information such as personal identifying information, motor vehicle records, criminal records, asset information, and marriage data; I also conducted witness interviews where that is what was required by the imperatives of the case.

2. Prior to that, I worked as an NYPD police officer, a detective in the Bronx Narcotics Division, and a Sergeant at the 43rd Precinct of the Bronx. In that capacity, and since, I have conducted or participated in hundreds of investigations, in such areas as drugs, money laundering, insurance fraud, homicide, burglary, narcotics, and weapons possession.

3. In or around March of 2013, I was retained to act as an investigator in the matter *United States v. Bergrin*, Docket No. 2:09-cr-000369-JLL, a notorious, very high profile case in which Paul Bergrin, a former New Jersey state and federal prosecutor and later criminal defense attorney, had been convicted of criminal conduct, including conspiracy to commit murder, among other offenses, arising from his representation of members of drug trafficking organizations in Newark, New Jersey. My investigation was performed in connection with Mr. Bergrin's post-conviction motion for a new trial based upon newly discovered evidence. My investigative services were reimbursed pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A.

4. I conducted over one-hundred (100) interviews and background searches between 2013 and 2018 in connection with the investigative services that I performed for defendant Paul Bergrin. Among these—but by no means all of them—were the following:

a. On January 27, 2018, I spoke by telephone with federal inmate Kamau Muntasir. Mr. Muntasir had been previously incarcerated together with Eugene Braswell, who was a witness against Paul Bergrin at his trial. Mr. Muntasir informed me that while he was incarcerated with Braswell, "Braswell would say anything and put together anything to get out of jail" and that Braswell admitted to Mr. Muntasir that he lied at Bergrin's trial for this purpose.

b. On November 11, 2018, I spoke by telephone with Theresa Vannoy Womack, who told me that she would have been willing to provide testimony at Paul Bergrin's trial that would have provided powerful exculpatory evidence with regard to the drug charges

against Paul Bergrin, including that those responsible for these offenses (Yolanda Jauregui and Alejandro Castro) hid their actions from Mr. Bergrin, but that she did not receive the subpoena that Bergrin had issued to her.

c. On and April 28, 2016 and November 13, 2018, I spoke by telephone with Savina Sauseda, the girlfriend of Oscar Cordova, an important witness against Mr. Bergrin at trial, who told me, in sum, that Cordova had tampered with critical recordings he had made of Paul Bergrin, recordings which played a significant role in the prosecution of Bergrin.

d. On December 3, 2013, I interviewed Hassan Miller at the detention facility Delany Hall in Newark, New Jersey, who told me that Anthony Young admitted to him his plan to provide false testimony against Paul Bergrin to “get out faster,” by claiming to have knowledge about “the dude . . . that he supposedly had – had shot, whatever – on South Orange Avenue,” *i.e.* Kemo McCray.

e. On January 26, 2018, and again in May of 2018, I interviewed Syed Rehman, a cellmate of Abdul Williams, who testified against Paul Bergrin at trial.

f. On August 7, 2017, I interviewed Abdul Williams, who testified against Paul Bergrin at trial.

g. On October 22, 2013, I interviewed Jose Jimenez, the father of Yolanda Juaregui who served time in federal prison for being part of Paul Bergrin’s alleged drug operation, who testified against Paul Bergrin at his first trial, and who was alleged by Bergrin to be the true perpetrator of the drug offenses of which Paul Bergrin was convicted.

h. On or about September 18, 2017, I interviewed Thomas Moran Sr., the father of Thomas Moran Jr., who also testified against Paul Bergrin at trial.

5. On or about October 28, 2020, at approximately 6:00 A.M., approximately four or five FBI Agents arrived at my home in Mahwah, New Jersey and pounded at the front door, waking up me, my wife, Mary Martha McMahon, and my son, Michael T. McMahon.

6. Through the windows on the front door and sidelights I saw flashlights. I could not see any faces, but I heard loud voices yelling "Michael McMahon, open the door!"

7. After hearing this, I opened the front door. At that time, my wife, Mary Martha McMahon, and my son, Michael T. McMahon, were in the upstairs living room. My son sat on a couch facing the front door approximately ten (10) feet from the entrance and my wife was standing a few feet behind me.

8. Upon opening the door, the FBI Agents announced themselves and stated that I was under arrest, but did not tell me why I was being arrested.

9. I asked the FBI Agents: "Is this about Paul Bergrin?" Special Agent Sean McCarthy responded: "No, but I know you from that case. You've been on my board more than once."

10. The FBI Agents then allowed me to go to my bedroom to get dressed and use the bathroom. While I was getting dressed, I asked the FBI Agent who accompanied me to my bedroom what the charges were against me. He answered that the charges were "working for the Chinese Government." I informed the FBI Agent that I recalled working on a Chinese case a few years prior, and asked if the agents wanted my computers, phones, and other materials related to the case; however, the agents never went to my office to retrieve the materials.

11. After I got dressed, the FBI Agents escorted me out of my home without handcuffs. Halfway down my driveway, Special Agent Sean McCarthy put handcuffs on me.

12. A female agent drove the vehicle to my post-arrest interview, and Special Agent McCarthy rode in the rear passenger's seat. While in the vehicle, Special Agent McCarthy asked me: "Was your son in the living room the one on A Baby Story?" (In 2002, my family was featured on "A Baby Story" on TLC for our son Max's birth). I did not answer, but I asked Special Agent McCarthy: "So you know me from Paul Bergrin?" Special Agent McCarthy stated: "The case agent was my office mate." I replied "Shawn Brokos?" Special Agent McCarthy said: "Yes. Let's wait until we get to the office to discuss anything else."

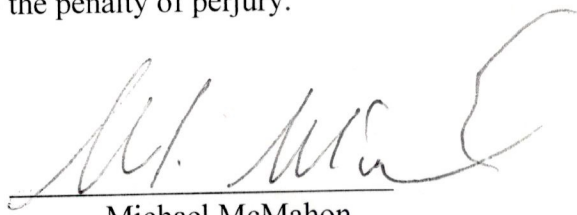
13. There was some other conversation as well, but it is not pertinent to this motion.

14. Special Agent McCarthy was one of the agents who conducted my post-arrest interview.

15. The Government never contacted me prior to my arrest; had the Government done so, I would have gladly and fully cooperated in any way by, for example, wearing a wire while communicating with any wrongdoers. Indeed, I demonstrated my willingness to cooperate with the Government by immediately turning over my file to the Government and otherwise offering to assist by providing any information in which the prosecution was interested as soon as I was arrested and thereafter.

I swear and subscribe to the foregoing statements made. I understand that if any of the foregoing statements made are false, I am subject to the penalty of perjury.

Date: August 8, 2022


Michael McMahon